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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,099	02/28/2002	Matthew Barrow	1761 4000-06400	2736
28003	7590	09/20/2007		
SPRINT			EXAMINER	
6391 SPRINT PARKWAY			SALL, EL HADJI MALICK	
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OVERLAND PARK, KS 66251-2100			ART UNIT	PAPER NUMBER
			2157	
			MAIL DATE	DELIVERY MODE
			09/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

mn

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/086,099

Applicant(s)

BARROW ET AL.

Examiner

El Hadji M. Sall

Art Unit

2157

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 31 August 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: none.
Claim(s) objected to: none.
Claim(s) rejected: 1-12.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because:

(A) Applicants argue that Lenz does not teach or suggest a customer premises telecommunications hub.

In regards to point (A), examiner respectfully disagrees.

Column 1, lines 56-61, Lenz discloses the automatic client configuration system provides the system administrator with the ability to configure every client in a network with one file. The file resides on the server and contains information for setting the client's lock files, e.g. preferences, configuration information, and software versions (i.e. some of the clients have access to the server via an access means, an access server, a client or "a telecommunications hub" (i.e. computer or client computer), which allow clients access). Therefore, the presence of "communications hub" is inherent in Lenz's.

(B) Applicants argue that Lenz does not teach or suggest any step of identifying parameters in a new file that are different from existing parameters stored in a customer premises telecommunications hub.

In regards to point (B), examiner respectfully disagrees.

Column 6, lines 28-35, Lenz discloses identifying the configuration file on said server associated with said client; sending said configuration file from said server to said client; configuring various aspects of said client using said configuration file; allowing users to store their own configuration and preference information on said server from their client. Such Lenz's updates the old files with the new files, and inherently "identifying parameters in a new file that are different from existing parameters stored in the customer premises telecommunications hub".

(C) Applicants argue that Lenz does not teach or suggest making any determination of whether parameters may be changed dynamically.

In regards to point (C), examiner respectfully disagrees.

Column 4, lines 28-42, Lenz discloses ...providing a mechanism by which an administrator can automatically push out and update the software that he want (i.e. "determination of whether parameters may be changed dynamically"),

(D) Applicants argue that Claims 1, 9 and 10 are clearly patentable over Lenz. Since claims 2-8 depend on 1 and claims 11 and 12 depend on 10, Applicants submit that claims 2-8, 11 and 12 are also patentable over Lenz.

In regards to point (D), examiner respectfully disagrees.

Examiner's response to arguments in the above points clearly show that claims 1, 9 and 10 are not patentable over Lenz, and therefore claims dependent claims 2-8, 11 and 12 are also not patentable.

(E) Applicants argue that it appears that the Final Office Action did not address the arguments presented with regard to claim 4 or claim 6.

In regards to point (E), examiner respectfully disagrees.

The argument presented with regard to claim 4 was addressed in point (C) of the Final Office Action.

As to claim 6, Lenz discloses in column 4, lines 40-42, to update all of the user configurations (i.e. "updating parameters"), the administrator needs to edit only a single script file on the server and all of the clients automatically configure themselves (i.e. a client or "a telecommunications hub" (i.e. computer or client computer or server), which allow clients access, and is inherently in an "idle state" while updating the parameters).

(F) Applicants further note that it appears that a new grounds of rejection was given for claim 11 that was not necessitated by amendment.

In regards to point (F), examiner respectfully disagrees.

Claim 11 was rejected in the Final Office Action under Lenz in view of Sandahl. Examiner did not put claim 11 in usual order, but the rejection is proper.

As to claim 11, Lenz teaches the system of claim 10.

Lenz fails to teach explicitly rebooting the system.

However, Sandahl teaches rebooting the system (column 7, lines 55-61).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lenz in view of Sandahl to provide means for, if any parameter which is different cannot be changed dynamically, Causing the customer premises telecommunications hub to reboot. One would be motivated to do so to allow saving new updates.


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